

CHAD A. READLER
Acting Assistant Attorney General
ALEX G. TSE
Acting United States Attorney
BRETT A. SHUMATE
Deputy Assistant Attorney General
JENNIFER D. RICKETTS
Branch Director
JOHN R. TYLER
Assistant Branch Director
BRAD P. ROSENBERG (DC Bar #467513)
Senior Trial Counsel
STEPHEN M. PEZZI (DC Bar #995500)
KATE BAILEY (MD Bar #1601270001)
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
Telephone: (202) 514-3374
Facsimile: (202) 616-8460
E-mail: brad.rosenberg@usdoj.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

REGENTS OF UNIVERSITY OF
CALIFORNIA and JANET NAPOLITANO,
in her official capacity as President of the
University of California,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and KIRSTJEN
M. NIELSEN, in her official capacity as the
Secretary of Homeland Security,

Defendants.

No. 3:17-cv-05211-WHA

NOTICE OF APPEAL

Judge: Honorable William Alsup

NOTICE OF APPEAL

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)

STATE OF CALIFORNIA, STATE OF
MAINE, STATE OF MARYLAND, and
STATE OF MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, KIRSTJEN M. NIELSEN, in her
official capacity as Secretary of Homeland
Security, and the UNITED STATES OF
AMERICA,

Defendants.

No. 3:17-cv-05235-WHA

CITY OF SAN JOSE, a municipal
corporation,

Plaintiff,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity, KIRSTJEN M.
NIELSEN, in her official capacity as
Secretary of Homeland Security, and the
UNITED STATES OF AMERICA,

Defendants.

No. 3:17-cv-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ
AVILA, SAUL JIMENEZ SUAREZ,
VIRIDIANA CHABOLLA MENDOZA,
NORMA RAMIREZ, and JIRAYUT
LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
DONALD J. TRUMP, in his official capacity

No. 3:17-cv-05380-WHA

NOTICE OF APPEAL

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)

as President of the United States, U.S.
DEPARTMENT OF HOMELAND
SECURITY, and KIRSTJEN M. NIELSEN,
in her official capacity as Secretary of
Homeland Security,

Defendants.

COUNTY OF SANTA CLARA and
SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

Plaintiffs,

v.

No. 3:17-cv-05813-WHA

DONALD J. TRUMP, President of the United
States, in his official capacity; JEFFERSON
BEAUREGARD SESSIONS, Attorney
General of the United States, in his official
capacity; KIRSTJEN M. NIELSEN, Secretary
of Homeland Security, in her official capacity;
and the U.S. DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that all Defendants in the above-captioned matters hereby appeal to the United States Court of Appeals for the Ninth Circuit from this Court's January 9, 2018 Order Denying FRCP 12(b)(1) Dismissal and Granting Provisional Relief¹ and this Court's January 12, 2018 Order Granting in Part Defendants' Motion to Dismiss Under FRCP 12(b)(6).² Those Orders are docketed in each of these five cases as follows:

- *Regents of the University of California, et al. v. United States Department of Homeland Security, et al.*, No. 3:17-cv-05211-WHA, ECF Nos. 234, 239.
- *State of California, et al. v. U.S. Department of Homeland Security, et al.*, No. 3:17-cv-05235-WHA, ECF Nos. 83, 88.
- *City of San Jose v. Donald J. Trump, et al.*, No. 3:17-cv-05329-WHA, ECF Nos. 66, 71.
- *Dulce Garcia, et al. v. United States of America, et al.*, No. 3:17-cv-05380-WHA, ECF Nos. 60, 65.
- *County of Santa Clara, et al. v. Donald J. Trump, et al.*, No. 3:17-cv-05813-WHA, ECF Nos. 48, 53.

This appeal includes all prior orders and decisions that merge into the Court's January 9, 2018 and January 12, 2018 Orders.

¹ While the January 9, 2018 Order is immediately appealable to the extent it grants provisional relief, all Defendants are also appealing the Order to the extent it denies Defendants' motion to dismiss. That aspect of the appeal is being taken pursuant to 28 U.S.C. § 1292(b).

² The January 12, 2018 Order is being appealed pursuant to 28 U.S.C. § 1292(b).

1 Dated: January 16, 2018

Respectfully submitted,

2 CHAD A. READLER
Acting Assistant Attorney General

3 ALEX G. TSE
4 Acting United States Attorney

5 BRETT A. SHUMATE
6 Deputy Assistant Attorney General

7 JENNIFER D. RICKETTS
Branch Director

8 JOHN R. TYLER
9 Assistant Branch Director

10 /s/ Brad P. Rosenberg
BRAD P. ROSENBERG (DC Bar #467513)
Senior Trial Counsel

11
12 STEPHEN M. PEZZI (DC Bar #995500)
KATE BAILEY (MD Bar #1601270001)
Trial Attorneys
13 United States Department of Justice
Civil Division, Federal Programs Branch
14 20 Massachusetts Avenue N.W.
Washington, DC 20530
15 Phone: (202) 514-3374
16 Fax: (202) 616-8460
Email: brad.rosenberg@usdoj.gov

17 *Attorneys for Defendants*